IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7678 of 2005

Between:

Makireddy Nookaraju, s/o Appanna,
r/o Kindra (V), Rajavommangi (M), E.G.District.

..... PETITIONER

AND

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1 The Addl.Agent to the Govt. E.G.District at

Rampachodavaram.
2 The Special Deputy Collector (TW), Rampachodavaram,

East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi,

E.G.District.
4 The Special Deputy Tahsildar, Rajavommangi,

E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 4.84 acres in Sy.No.150/01, of Kindra Village, Rajavommangi Mandal, E.G.District in pursuance of the order passed by the 2nd respondent in L.T.R.P.No.88/2004 as illegal, arbitrary and unjust and consequently direct the respondents 2 & 3 not to evict the petitioner from the above land pending disposal of the appeal or stay petition preferred before the 1st respondent.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

ORDER:

This writ petition is filed to issue a writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of 4.84 acres in Sy.No.150/01, of Kindra Village, Rajavommangi Mandal, E.G.District in pursuance of the order passed by the 2nd respondent in L.T.R.P.No.88/2004 as illegal and arbitrary.

The claim of the petitioner is that he has been in possession and enjoyment of the land in question since before commencement of the Act 1/59 as amended by the 1/70 Regulation. The second respondent, by an order dated 14-10-2004, ordered for eviction of him from the land in question for restoration of the same to the Government for onward distribution to eligible tribals. Challenging the same, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

It is stated in the affidavit filed in support of the writ petition that against the order of the second respondent in L.T.R.P.No.88 of 2004 dated 14-10-2004, the petitioner sent appeal through post to the first respondent, which has not been accepted by the respondent.

Therefore, the Writ Petition is dismissed with a direction to the petitioner to file an appeal before the competent authority in person. No costs.

K.C. Bhanu, J.

7th April 2005

js.

To

1 The Addl.Agent to the Govt. E.G.District at

Rampachodavaram.
2 The Special Deputy Collector (TW), Rampachodavaram,

East Godavari District.
3 The Mandal Revenue Officer, Rajavommangi,

E.G.District.
4 The Special Deputy Tahsildar, Rajavommangi,

E.G.District.

5 Two CCs to G.P. for Social Welfare, High Court Buildings,

Hyderabad.

6 2 CD copies.